

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-23 are pending.

Amendment to the Claims

Claims 1-23 have been examined, and the Examiner has indicated that Claims 1-6 and 22 are allowed. Applicants have amended Claims 9, 10, and 14 to depend from Claim 1. Applicants have also amended Claim 23 to depend from Claim 15. Applicants respectfully request cancellation of Claims 7, 8, and 13.

No new matter has been added by this Amendment. No additional fee is required because the number of independent claims has been reduced and the total number of claims has also been reduced.

Claim Rejections - 35 U.S.C. §102

The rejection of Claim 23 under 35 U.S.C. §102(b) as being anticipated by Instance (U.S. Patent No. 5,674,334) is respectfully traversed.

Applicants have amended Claim 23 to depend from Claim 15. Amended Claim 23 now further requires a device for determining an actual position of the superimposed components relative to the corresponding reference marks.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Instance fails to disclose a device for determining the actual position of the superimposed components relative to the corresponding reference marks. Instance also fails to disclose apparatus used in the manufacture of an absorbent article. Instead, Instance discloses apparatus for applying folded labels to a backing web of release material.

For at least the reasons presented above, Applicants respectfully submit that Claim 23 is not anticipated by Instance. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103**A. Brandon et al. in view of Instance**

The rejection of Claims 7 and 13 under 35 U.S.C. §103(a) as being unpatentable over Brandon et al. (U.S. Patent No. 5,818,719) in view of Instance is respectfully traversed. More particularly, Applicants have requested cancellation of Claims 7 and 13, thereby rendering this rejection moot.

B. Brandon et al. in view of Instance and further in view of Weyenberg

The rejection of Claims 8 and 10-12 under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Instance as applied to Claim 7 above, and further in view of Weyenberg (U.S. Patent No. 5,359,525) is respectfully traversed. More particularly, Applicants have requested cancellation of Claim 8, and have amended Claims 10-12 to depend, directly or indirectly, from Claim 1. Since amended Claims 10-12 each include all limitations of Claim 1, and since Claim 1 has been allowed, this rejection is rendered moot.

C. Brandon et al. in view of Instance and further in view of Popp et al.

The rejection of Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Instance as applied to Claim 7 above, and further in view of Popp et al. (U.S. Patent No. 5,932,039) is respectfully traversed. More particularly, Applicants have amended Claim 9 to depend from Claim 1. Since amended Claim 9 includes all limitations of Claim 1, and since Claim 1 has been allowed, this rejection is rendered moot.

D. Brandon et al. in view of Instance

The rejection of Claim 14 under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Instance as applied to Claim 7 above is respectfully traversed. More particularly, Applicants have amended Claim 14 to depend from Claim 1. Since amended Claim 14 includes all limitations of Claim 1, and since Claim 1 has been allowed, this rejection is rendered moot.

E. Brandon et al. in view of Instance and Weyenberg

The rejection of Claims 15, 16, and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Brandon et al. (hereinafter "Brandon") in view of Instance and Weyenberg is respectfully traversed.

Brandon discloses a process and apparatus for controlling the registration of two layers of material, as in the manufacture of absorbent articles. Brandon does not disclose or suggest the use of reference marks on a first layer (54) to synchronize the feed rate of discrete components onto the first layer. Instead, Brandon uses a proximity switch for monitoring and controlling the placement of the discrete components in relation to reference marks on a second continuous layer (66). More particularly, the two continuously moving layers are controllably registered by adjusting the position of the layer having reference marks (66), namely by stretching the second layer (66), to correspond to the sensed location of the discrete components. This methodology is contrary to the teachings of Instance, wherein the position of the labels is adjusted to correspond to the reference marks on the continuous layer. Weyenberg discloses a completely different type of registration process than either Brandon or Instance.

The Examiner suggests that the combined failure of Brandon and Instance to disclose or suggest the corrective step wherein the placement of components is corrected subsequent to superimposing the components on the first layer can be overcome by combining the teachings of Brandon and Instance with the teachings of Weyenberg.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Brandon, Instance, and Weyenberg.

The processes and apparatus in Brandon and Weyenberg are completely unrelated to the processes and apparatuses in Instance, with Instance directed to a process and apparatus for applying folded labels to a release backing and Brandon and Weyenberg directed to processes and apparatuses for assembling absorbent articles. These processes and apparatus apply to different types of materials and different types of bonding. For example, the materials used in the Brandon and Weyenberg processes and apparatuses may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Furthermore, Instance and

Weyenberg each disclose a comprehensive quality control process, thus a cumulative combination of the two references is unlikely. Additionally, the components in Brandon and Weyenberg are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining Instance with either Brandon or Weyenberg.

For at least the reasons given above, Applicants respectfully submit that the invention of Brandon in view of Instance and Weyenberg fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

F. Brandon in view of Instance and Weyenberg and further in view of Popp

The rejection of Claim 17 under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Instance and Weyenberg as applied to Claim 15 above, and further in view of Popp et al. (hereinafter "Popp"), is respectfully traversed.

As explained above, the methodology of Brandon is contrary to the teachings of Instance. More particularly, Brandon discloses a process and apparatus in which two continuously moving layers are controllably registered by adjusting the position of the layer having reference marks to correspond to the sensed location of the discrete components, whereas Instance discloses a process and apparatus wherein the position of the labels is adjusted to correspond to the reference marks on the continuous layer. Weyenberg discloses a completely different type of registration process and apparatus than either Brandon or Instance. With respect to Applicants' Claim 17, Brandon, Instance, and Weyenberg, alone as well as in combination, fail to disclose or suggest a device for filtering out signal anomalies.

The Examiner suggests that the failure of the combination of Brandon, Instance, and Weyenberg to disclose or suggest a device for filtering out signal anomalies can be overcome by combining the teachings of Brandon, Instance, and Weyenberg with the teachings of Popp.

Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Instance with either Brandon, Weyenberg, or Popp. The

processes and apparatuses in Instance are completely unrelated to the processes and apparatus in either Brandon, Weyenberg, or Popp, with Instance directed to a process and apparatus for applying folded labels to a release backing in contrast to Brandon, Weyenberg, and Popp, which are each directed to processes and apparatus for assembling absorbent articles. These processes and apparatus apply to different types of materials and different types of bonding. For example, the materials used in the Brandon, Weyenberg, and Popp processes and apparatus may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Additionally, the components in Brandon, Weyenberg, and Popp are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining Instance with Brandon, Weyenberg, or Popp.

For at least the reasons given above, Applicants respectfully submit that the invention of Brandon in view of Instance and Weyenberg and further in view of Popp fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that Claims 1-6 and 22 are allowed. As indicated above, Applicants have amended Claims 9, 10, and 14 to depend from Claim 1. Therefore, Applicants believe that Claims 9, 10, and 14 are also in condition for allowance.

Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,



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